

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**GAYLORD DUFF,**

**Plaintiff,**

**VS.**

**JUDY REMIL, et al.,**

**Defendants.**

**8:05CV140**

## ORDER TO SHOW CAUSE

This matter is before the court on the court's own motion pursuant to NECivR 41.1, which states in pertinent part: "The court at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence." Further, Fed. R. Civ. P. 4(m) establishes the following time limit for service of process on the defendants in a civil case:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

In this case the complaint was filed on March 29, 2005. **See** Filing No. 1. Accordingly, the deadline for service of process expired **on or about July 28, 2005**, and the court's records show no proof of service of process on the following defendants: Judy Remil, Terry Butkus, Aaron Hall, Robert Schmucker, Allen Pherson and Richard Leech. Upon consideration,

**IT IS ORDERED:**

The plaintiff shall show cause why this case should not be dismissed as against Judy Remil, Terry Butkus, Aaron Hall, Robert Schmucker, Allen Pherson and Richard Leech for failure to effect service. The showing of cause shall be filed electronically on or before the close of business **on November 14, 2005.**

Dated this 25th day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge